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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,727	04/13/2000	Johan C. Talstra	PHN-17.410	7176

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/548,727

Applicant(s)

TALSTRA ET AL.

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 8/16/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-21 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

**Response to Arguments**

1. Applicant's arguments filed 9/16/05 against amended claims have been fully considered but they are not persuasive.

(A1) In re pages 8-9 and 12, applicant states, "The physical watermark is not transmitted by the reader."

(A2) In re page 9, applicant states, "Therefore, it is not possible for the comparison ... to be a comparison of the first and second characteristics, as defined by claim 7."

(A3) In re pages 9 and 12, applicant states, "There is no disclosure or suggestion within Linnets et al., deriving first and second characteristics, that are derived from the content of information of a storage device."

In response, the statement made is a broad statement (A1), since the watermark can be a physical watermark which is stated to be on the carrier, when read by a reading device, such as the reader, such as Fig. 5 the reader being element 52, drive with a disk having a physical watermark on the record carrier, is read by the reader, when read transferred to the comparator 53, therefore, since transferred, reads on the wording, transmitted, read and **even DERIVED**, from the disk and transmitted to the comparator for comparison, thereby to stop or not transmission to the decoder 57, which the decoder also derives a watermark which was read by the reader in the transmitted content to the decoder and the decoder, transfers or transmits the derived watermark, back to the reader having a comparing or verifying or a verification unit or a comparator for performing a comparison of the physical watermark and the returned watermark from the decoder, or in other works a comparison of first and second derived, characteristics originated from the content of information of a storage device, met by 52, with a storage element of the medium 51, with MPEG video watermarked and a physical watermark, which both watermarks are from the storage

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devices medium one is physical, but on the medium and the other is encoded into the stream to the decoder, as claimed.

(B) In re page 10, applicant states again, "there is no disclosure or suggestion for deriving a first form a first portion of a first information signal and comparing the first and second ..."

For the second time the examiner states again the same from the last action.

The definition of the word derive, one definition can be, "to obtain from a specified source", therefore, the MPEG decoder is provided with a source, which a watermark is derived from the source, according to page 9, "watermark detection takes place in the external MPEG decoder, wherein the compliant MPEG decoder 57 returns the watermark with appropriate signatures, wherein the drive checks whether the ticket is valid for content with that watermark, therefore, the watermark is checked, at the drive after being derived from the data received at the MPEG decoder, sent back to be verified/compared, at the drive/reading to control the switch 54, wherein the carrier 51 carrying a physical and video content watermark, when played, reading means 53 detects the watermark and also the video content watermark. Further in combination with the abstract, "the separate decoder communicates the watermark information against further supplemental information via a link to the playback device, the playback device checks the watermark information against supplemental information, such as a physical mark on the carrier or control signal, therefore, the player derives either the physical or control signal representing the watermark to compare with the derived watermark from the decoder and controls the switch by comparing derived watermarks from the carrier.

Again, deriving is a broad term, such as from a specified source, therefore, either from the carrier or from the signal to the MPEG decoder or even from the control signal provided to the reader, all are from a specified source, therefore, derived either from the decoder, physical watermark reader or even from a control signal.

Therefore, based on the argument the examiner maintains all ground of rejection including the amended claims, which read on

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the last action as amended, by the previously set fourth action with respect to the last action.

The primary examiner invites applicant to discuss this case in detail at their convenience if desired, to assist in an amendment to overcome the prior art as applied.

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7-8, 12-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Linnets et al. (PCT WO 99/11064).

The examiner incorporates by reference the last detailed action against the claims.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and

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invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4, 6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linnets (WO 99/11064) in view of Cox et al. (US 5,915,027).

The examiner incorporates by reference the last detailed action against the claims.

#### ***Allowable Subject Matter***

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 5, the prior art discloses optical discs having sectors and MPEG, but, the prior art fails to teach, disclose or fairly suggest, the combination as claimed,

0 storing in a plurality of sectors in MPEG format on a optical carrier, and the selection of sectors of information to be summarized is based on the values of the SCR field of the sectors.

#### ***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Fax Information

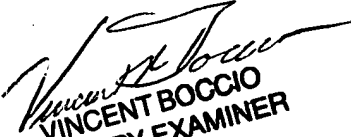
Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,  
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier  
communications should be directed to the examiner of  
record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00  
PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent  
10/28/05

  
VINCENT BOCCIO  
PRIMARY EXAMINER